

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

GENE GILBERT ELLIS,

Plaintiff,

v.

No. CIV 15-CV-00848-JCH-KBM

GERMAN FRANCO, *Warden*,  
VINCE VIGIL, *Housing Unit 2B Manager*,  
ALISHA TAFOYA-LUCERO,  
COLLEEN MCCARNEY,  
HECTOR CARDENAS,

Defendants.

**ORDER FOR LIMITED MARTINEZ REPORT**

This matter is before the Court on Plaintiff's Motions for Emergency Preliminary Injunction [Docs. 3, 15], Motions for Emergency Temporary Restraining Order [Docs. 4, 14], and Motion for Emergency Hearing [Doc. 22]. Plaintiff is incarcerated, appears pro se, and is proceeding in forma pauperis. In his motions, Plaintiff states, under penalty of perjury, that he is "in imminent danger among the general population" because he has received "threats of violence" from other inmates. [Doc. 3; *see also* Docs. 4, 14, 15] Additionally, Plaintiff states that he is "suffering severe mental and emotional traumas" as a result of his confinement in general population and that he is engaging in self-harm. [Doc. 22] Plaintiff seeks an emergency injunction requiring Defendants to transfer him to protective custody.

IT IS ORDERED that Defendants shall respond to Plaintiff's motions [Docs. 3, 4, 14, 15, 22] by filing a *Martinez* report addressing the allegations raised therein. *See Hall*

*v. Bellmon*, 935 F.2d 1106, 1109 (10th Cir. 1991) (“When the pro se plaintiff is a prisoner, a court-authorized investigation and report by prison officials (referred to as a *Martinez* report) is not only proper, by may be necessary to develop a record sufficient to ascertain whether there are any factual or legal bases for the prisoner’s claims.”). In particular, the report must include information regarding the steps taken by Defendants to secure Plaintiff’s physical safety, both from himself and other inmates, while confined in general population at the Penitentiary of New Mexico. Factual statements in the report must be supported by affidavits or documentary evidence. If the report cites any policies to support Defendants’ actions, copies of those policies must be included. The submission of documents without a written report shall not be considered to be in compliance with this order.

IT IS FURTHER ORDERED that Defendants must file their limited *Martinez* report on or before **December 22, 2015**. Defendants must serve a copy of the report on Plaintiff, who will have until **January 5, 2016** to respond and/or object. **Due to the nature of Plaintiff’s motions, any request for extension of time must be supported by a particularized showing of good cause and due diligence.**

IT IS FINALLY ORDERED that the Clerk of the Court is directed to send a copy of this Order to: (1) Defendants Franco, Tafoya-Lucero, and Cardenas at PNM, P.O. Box 1059, Santa Fe, NM 87504; (2) Defendant Vigil at Roswell Correctional Center, 578 W. Chicksaw Road, Hagerman, NM 88232; and (3) Defendant McCarney at the New Mexico Corrections Department, P.O. Box 27116, Santa Fe, NM 87502.

**THE PARTIES ARE HEREBY GIVEN NOTICE that the *Martinez* report may be used in deciding whether to grant Plaintiff's motions for emergency injunctive relief. Therefore, the parties should submit whatever materials they consider relevant to the allegations raised in Plaintiff's motions. See *Hall*, 935 F.2d 1106.**

  
UNITED STATES CHIEF MAGISTRATE JUDGE